



4-1

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

**PLANNING COMMISSION**

<b>MEETING DATE</b> April 14, 2011		<b>CONTACT/PHONE</b> John Busselle 781-5154 Jbusselle@co.slo.ca.us		<b>APPLICANT</b> County of San Luis Obispo		<b>FILE NO.</b> LRP2009-00005	
<b>SUBJECT</b> Hearing to consider a request by the County of San Luis Obispo to amend Chapter 23.08.165 (Residential Vacation Rentals) of the Coastal Zone Land Use Ordinance. The amendments address definitions, location, tenancy, noise, notice, existing vacation rentals, violations and complaints.							
<b>RECOMMENDED ACTION</b> Approve Land Use Ordinance amendment LRP2009-00005 based on the findings listed in Exhibit A and forward a recommendation to the Board of Supervisors.							
<b>ENVIRONMENTAL DETERMINATION</b> This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]							
<b>LAND USE CATEGORY</b> Agriculture, Rural Lands, Recreation, Residential Rural, Residential Suburban, Residential Single Family, Residential Multi-Family, Office and Professional, Commercial Retail		<b>COMBINING DESIGNATION</b> Various		<b>ASSESSOR PARCEL NUMBER</b> Various		<b>SUPERVISOR DISTRICT(S)</b> 2,3,& 4	
<b>PLANNING AREA STANDARDS:</b> Not Applicable							
<b>EXISTING USES:</b> Single Family and Multi-Family Dwellings							
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> Not Applicable							
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to all Community Advisory Groups							
<b>TOPOGRAPHY:</b> Various				<b>VEGETATION:</b> Various			
<b>PROPOSED SERVICES:</b> Most properties that qualify for residential vacation rentals under this ordinance are served by community water and sewage disposal systems.				<b>AUTHORIZED FOR PROCESSING DATE:</b> July 21, 2009			
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

## **PROJECT SUMMARY**

On July 21, 2009, the Board of Supervisors directed staff to prepare amendments to Chapter 23.08.165 (Residential Vacation Rentals) of the Coastal Zone Land Use Ordinance. The authorization came as a result of a five year review of the ordinance staff presented to the Board of Supervisors on March 3, 2009. The five year review examined several concerns raised by property owners, property managers, vacation rental neighbors and other interested parties regarding the administration and enforcement of the ordinance. Based on the issues raised during the five year review, comments from the public, comments from the advisory councils in Cambria, Cayucos, Los Osos and Avila Beach and direction from the Board of Supervisors, staff is proposing amendments to address definitions, location, tenancy, noise, notice, existing vacation rentals, violations and complaints.

## **HISTORY**

When the Vacation Rental Ordinance was originally drafted in 1999 it covered the entire County (inland and coastal areas) and specified a Zoning Clearance as the appropriate level of review. However, during the public hearing process in 2000 and 2001, the Planning Commission recommended the standards only apply in the urban areas of Cayucos and Cambria. No special standards would apply elsewhere in the Coastal Zone. In addition, the Planning Commission chose to not add special provisions regulating vacation rentals in the inland areas of the county. The Board ultimately adopted the recommendation of the Planning Commission. At the time of the ordinance adoption, the only communities concerned with the establishment and operations of vacation rentals were Cambria and Cayucos, therefore the Planning Commission and Board determined that having the standards apply countywide was unnecessary. After approval by the Coastal Commission and certification by the Board of Supervisors, the ordinance went into effect October 10, 2003 with standards that only applied in Cambria and Cayucos.

## **LEGISLATIVE HISTORY**

The purpose of this amendment is to clarify certain aspects of the Residential Vacation Rental Ordinance and add additional language to help in the administration and enforcement of the ordinance. The current ordinance was approved by the County Board of Supervisors and California Coastal Commission in 2003 and is supported by Visitor Serving Use policies of the Local Coastal Plan.

## **AUTHORITY**

### **Land Use Ordinance Amendment**

The Coastal Zone Land Use Element (CZLUE) Part 1, Chapter 1 sets forth the authority by which the Ordinance can be amended. The Coastal Zone Land Use Ordinance is part of the County's Local Coastal Program. The CZLUE states that amendments to the Local Coastal Program should further the goals set forth in the CZLUE Part1, Chapter 1. The proposed amendments involve administrative changes to an existing ordinance and are not in conflict with the goals and policies of the County's Local Coastal Program.

## **STAFF COMMENTS**

### **Proposed Ordinance Modifications.**

The attached Exhibit B shows the proposed deletions with strikeouts, and proposed additions with underlined text. The following is a discussion of the proposed amendments:

#### **1. Section 23.08.165 – First Paragraph**

Clarifying language was added to the definition of a Residential Vacation Rental. Avila Beach and Los Osos were added to the communities covered by the ordinance. Oceano was not included because at the time the amendment was authorized, Oceano was specifically not included. As a result, Residential Vacation Rentals in Oceano will continue to need a Minor Use Permit before they can be approved.

#### **2. Section 22.08.165(c) – Location**

For Cambria, Cayucos and Los Osos the location standard was modified to include a 100 foot radius from the nearest existing vacation rental. This was added pursuant to the Board of Supervisors direction to include lots across the fronting street as part of the prohibited area. Currently, a vacation rental can potentially go in directly across the street from an existing vacation rental.

For Avila Beach, the proposed distance standard is based upon discussions with the Avila Valley Advisory Council. They wanted a different standard to apply to Avila Beach based upon the characteristics of the community. We are also proposing clarification of other Visitor Serving uses and how the distances are measured in all communities.

#### **3. Section 23.08.165(d) – Vacation rental tenancy**

Language was added to clarify what is meant by “one individual tenancy every seven days”.

#### **4. Section 23.08.165(j) - Noise**

The current ordinance relies on the standards set forth in the County’s Noise Ordinance to determine whether or not a noise violation is occurring at a vacation rental property. This has proved difficult to administer because it relies on measurement of decibel levels when the noise is being generated. The Board of Supervisor’s directed staff to look at a disturbing the peace approach for noise similar to that used in the City of San Luis Obispo. The language added will enable someone to make a determination in the field if a violation is occurring without the need to measure decibels.

#### **5. Section 23.08.165(k) - Local contact person**

Language has been added to modify the noticing distance and to give more specific direction regarding noticing and posting of the notice.

6. Section 23.08.165(m) - Effect on existing residential vacation rentals

This section was added in 2003 because there were many vacation rentals that had been established prior to the adoption of the current ordinance. Those vacation rentals were allowed to remain without compliance with the distance standard as long as they obtained a Zoning Clearance, Business License and Transient Occupancy Tax certificate. This section has been modified to exempt current license holders from the 100 foot radius requirement and to clarify what happens when a license expires.

7. Section 23.08.165(n) – Violations

Enforcement was a major concern raised during public comment at the Board of Supervisors meeting on the five year review and at the amendment authorization hearing. The primary issue has been documenting a violation since many of the violations occur outside of County business hours. The sheriff will respond to complaints involving disturbing the peace but they have limited patrol units available for areas, such as the north coast, where most of the vacation rental units operate.

This section has been expanded to clarify which violations are more serious and which would constitute revocation of the Zoning Clearance. We have also added language regarding documentation and who must determine that a violation has occurred. A revocation procedure has also been added.

8. Section 23.08.165(o) – Complaints

This is a new section that is proposed to help clarify the process of taking complaints. During the meetings with advisory councils and others regarding this amendment there was much discussion about violations and the process of filing complaints. A common request was to have complaints from community members be used as the primary documentation to start the formal revocation process. Staff feels that the documentation needs to be provided by a County Planning and Building Department staff person or a County sheriff's deputy to avoid possible conflicts of interest.

**ATTACHMENTS**

Exhibit A - Findings

Exhibit B - LRP2009-00005 - Proposed Land Use Ordinance Changes

Exhibit C – Comments on the Public Review Draft Ordinance

## EXHIBIT A - FINDINGS

### *Environmental Determination*

- A. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore, the activity is not subject to CEQA.

### *Amendment*

- B. The proposed amendment is consistent with the Coastal Zone Land Use Land Use Element and other adopted elements of the Local Coastal Plan because the changes are consistent with the general goals of the Coastal Zone Land Use Element.
- C. The proposed amendment is consistent with the guidelines for amendments to the Coastal Zone Land Use Ordinance and Coastal Zone Land Use Element because the modifications are administrative in nature and will not result in any new physical development.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents because Residential Vacation Rentals are an allowed use in the land use categories where this ordinance applies and measures are incorporated in the ordinance to insure that the use is compatible with the existing development of the surrounding area.

Exhibit B

LRP 2009-00005

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, SECTION 23.08.165 RELATING TO RESIDENTIAL VACATION RENTALS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.08.165 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

23.08.165 - Residential Vacation Rentals: A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been constructed in conformance with all standards applicable to residential development, as a rental for transient use. This definition does not include the rental of the entire residence for periods of thirty days or longer. The development of a new structure intended for use as a Residential Vacation Rental shall comply with all standards applicable to the construction of a residence within the land use category that the Residential Vacation Rental is proposed. Rental shall not exceed one individual tenancy within seven consecutive calendar days as defined in Subsection (d) . The use of residential property as a vacation rental within the Cambria, Cayucos, Avila Beach and Los Osos urban reserve lines shall comply with the following standards:

- a. **Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.
- b. **Permit requirements.** Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for a Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.

c. **Location.**

- (1) Cambria, Cayucos and Los Osos. Within all residential land use categories, no residential vacation rental shall be located within a 100 foot radius and within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay). ~~that is outside of the Commercial land use category.~~ Distances are measured from the closest property line of the existing residential vacation rental unit, or other visitor serving accommodation, to the closest property line of the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.
- (2) Within the Avila Beach Urban Reserve Line. In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental. The distance shall be measured from the property line of the property containing the vacation rental. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

- d. **Vacation rental tenancy.** Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. For example, if a person or group rents the unit on a Friday, the next individual or group cannot rent the same unit until the following Friday. No additional occupancy of the residence (with the exception of the property owner and guests) shall occur within that seven day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
- e. **Number of occupants allowed.** The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.
- f. **Appearance, visibility and location.** The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, ; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
- g. **Signs.** Availability of the rental unit to the public shall not be advertised on site.
- h. **Traffic.** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day.
- i. **On-site parking required.** All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.
- j. **Noise.** All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq.

(Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. In addition, property owners and/or property managers shall insure that the occupants of the residential vacation rental do not willfully create loud and unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.

- k. **Local contact person.** *All* residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

- (1) A notice the name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office and, the local fire agency and supplied to the property owners within a 300 200 foot radius of the proposed residential vacation rental site. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum occupancy. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Zoning Clearance, Business License and Transient Occupancy Tax Certificate for the residential vacation rental.

The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

- (2) ~~If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in Subsection n shall apply.~~

- l. **Transient Occupancy Tax.** Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.
- m. **Effect on existing residential vacation rentals.** ~~Each individual vacation rental in existence on the effective date of this section September 10, 2003 shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section except Subsection c. regarding location, provided evidence that the vacation rental unit was in existence prior to April 11, 2003. Residential Vacation Rentals legally established prior to the effective date of these amendments ( ) shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section~~



except that part of Subsection c regarding the 100 foot radius. If a Zoning Clearance and Business License issued for a residential vacation rental, expires pursuant to Title 23 or Title 6 of the County Code, a new Zoning Clearance and Business License shall be required and shall be subject to all standards as set forth in this Section. Zoning Clearance, Business License, and Transient Occupancy Tax Registration, shall be requested from the county within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration, have not been requested within the time frames set forth in this section, the penalties of Chapter 23.10 (Enforcement) of this Title shall apply.

**n. Violation - vacation rental.** It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties (including fines) and process for addressing a violation of this section are set forth in Chapter 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include:

- (1) Failure to notify County staff when the contact person changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.
- (4) The inability of County staff or the Sheriff to reach a contact person.

Three documented violations of Subsection n, as determined by a County Planning and Building staff person or a Sheriff's deputy, within any consecutive six month period shall be grounds for revocation of the Zoning Clearance. Documentation shall consist of a written report which describes the violation, when it occurred and how it came to the attention of County officials. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

.If a local contact person is not able to be reached by the Sheriff more than three times in any consecutive six month period, this shall be grounds for revocation of the Business License consistent with Title 6 of the County Code.

**o. Complaints**

Complaints about violation of these standards should be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff's Department (Dispatch). Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriff's Department (required by Subsection k, paragraph 2), the penalties set forth in Subsection n shall apply.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. If County staff is unable to reach contact person because the contact person is not available or because current contact information has not been provided , the penalties set forth in Subsection n shall apply.

SECTION 2. This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (Government Code 15061(b)(3)). It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because no new development is authorized, no increase in density will occur, no change in allowed uses is proposed or authorized and no physical change to the environment will occur. Therefore the activity is not subject to CEQA.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become operative only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

EXHIBIT C

These are comments received on the Public Review Draft of the proposed changes to the Residential Vacation Rental Ordinance. The Public Review Draft was issued in September of 2010. Planning staff attended several meetings with the Advisory Councils in Avila Beach, Los Osos, Cayucos and Cambria to discuss the proposed changes. Based on these discussions staff has modified the original draft to the one that is before you today.

# North Coast Advisory Council



Joyce Renshaw, Chair

November 23, 2010

John Busselle

Department of Planning & Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

Re: NCAC Proposed Revisions to Vacation Rental Ordinance

Dear Mr. Busselle:

I enclose the NCAC's proposed revisions to the Vacation Rental Ordinance, together with the Council's section-by-section comments and vote tallies.

The Council took public comments and considered proposed revisions to the Ordinance at its October and November 2010 meetings. These proposals were contained in the Planning Department's Public Review Draft of the Ordinance and our Land Use Committee's proposed revisions to the Public Review Draft. The enclosed NCAC Proposed Revisions to Vacation Rental Ordinance represents the Council's approved positions on the issues presented by these documents.

Several issues stood out in the Council's deliberations:

**Sec. 23.08.165(b) – Permit Requirements:** The Council rejected the proposal that zoning clearance for a new vacation rental expire after three years. It also rejected a proposal that the expired clearance be revivable after a 90-day waiting period.

**Sec. 23.08.165(c)(1) – Location:** The Council approved the proposal that a new vacation rental cannot be located within 200 feet of an existing vacation rental. The 200 feet would be measured from the point on the parcel with the vacation rental that is nearest to the parcel with the proposed vacation rental.

**Sec. 23.08.165(d) – Vacation Rental Tenancy:** The Council felt that a clear definition of the "seven consecutive calendar day" rule is necessary.

**Sec. 23.08.165(g) – Signs:** The Council overwhelmingly rejected the proposal for signs outside vacation rentals with the property manager's name and phone number. Instead, the Council

approved a proposal to require owners/managers of vacation rentals to annually notify neighbors of the owner's/manager's name and phone number and the County's enforcement agencies.

**Sec. 23.08.165(j) – Noise:** The Council overwhelmingly approved a proposed noise standard that does not require measurement of ambient noise. The approved standard is derived from the San Luis Obispo Municipal Code.

**Sec. 23.08.165(n) – Violation:** The Council approved proposals to streamline and simplify enforcement of the Ordinance. These proposals would authorize the Code Enforcement Unit to initiate and investigate violations based on citizen complaints submitted under penalty of perjury, and would authorize a citation and fine system for violations not serious enough to warrant revocation of zoning clearance. The proposed procedures are derived from the Business Professions Code and would supplement the Ordinance's existing revocation procedures.

As you review the Comments and Vote Tallies document, please note that some members abstained from voting to avoid possible conflicts of interest.

We appreciate your attendance at our meetings and the Planning Department's interest in improving the Vacation Rental Ordinance.

Please contact me if I may answer any questions.

Sincerely,

JOYCE RENSHAW

Chair, North Coast Advisory Council

cc: Bruce Gibson

Cherie Aispuro

**NCAC Proposed Revisions to Vacation Rental Ordinance  
Based on the Planning Department's September 2010 Public Review Draft  
Approved by NCAC November 17, 2010**

normal typeface = existing ordinance

\*\*\* = deletion from existing ordinance or Planning Department language

*italics* = NCAC proposed language

underscore = Planning Department language

**Section 1:** Section 23.08.165 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**23.08.165 - Residential Vacation Rentals:** \*\*\* *Every structure used as a Residential Vacation Rental shall comply with all construction standards applicable to the land use category where the structure is located that were in effect when the structure was built, and shall comply with this Section, this Title and state law.* Rental shall not exceed one individual tenancy within seven consecutive calendar days *as defined in Subsection d.* The use of residential property as a vacation rental within the Cambria, \*\*\* Cayucos, Avila Beach and Los Osos urban reserve lines shall comply with the following standards:

**a. Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title *and state law*. In the adoption of these standards the Board of Supervisors \*\*\* *finds* that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.

**b. Permit requirements.**

Zoning Clearance, Business License and Transient Occupancy Tax Registration *are required* for each residential vacation rental. \*\*\* Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the property as a vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.

**c. Location.**

**(1) Cambria, Cayucos and Los Osos:** Within all residential land use categories, \*\*\* *no parcel shall be approved as a residential vacation rental if it is within 200 feet of another parcel with a residential vacation rental. The distance shall be measured from the point on the parcel containing the vacation rental that is nearest to the parcel containing the proposed vacation rental.* \*\*\* This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

**(2) Within the Avila Beach Urban Reserve Line:** In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental. The distance shall be measured from the property line of the property containing the vacation rental. In the case of condominium units,

the property line shall be the wall of the individual unit. The location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

**d. Vacation rental tenancy.** Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy of the residence (with the exception of the property owner and guests) shall occur within that seven-day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

**e. Number of occupants allowed.** The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.

**f. Appearance, visibility and location.** The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting,; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

**g. Signs.**

*(1) Availability of the rental unit to the public shall not be advertised on site. \*\*\**

*(2) On or before February 1 of each year, every owner or property manager of a residential vacation rental shall:*

*(a) Mail a notice to every address within 200 feet of any point on the vacation rental property. The notice shall state the name, address and phone number of the owner and/or local property manager, the phone numbers for the local Sheriff's substation and County Code Enforcement, and the County's Web site address for taking citizen complaints.*

*(b) Send a copy of the notice to the Department of Planning and Building, along with a form certifying that the notice has been sent and a list of all parties notified.*

**h. Traffic.** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day.

**i. On-site parking required.** All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.

**j. Noise. \*\*\***

*(1) No tenant of a residential vacation rental shall make, continue or cause to be made or continued, and no property manager of a residential vacation rental shall allow to be made or continued, any noise disturbance in such a manner as to be plainly audible at a distance of fifty feet from the source of the noise. "Noise disturbance" means any sound which (a) endangers or injures the safety or health of human beings or animals, or (b) annoys or disturbs reasonable persons of normal sensitivities, or (c) endangers or injures personal or real property.*

*[j(1) derived from San Luis Obispo Municipal Code Sections 9.12.020 and 9.12.050.]*



(2) No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. \*\*\*

**k. Local contact person.** All [sic] residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day \*\*\* and shall respond *within one hour* to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate \*\*\* *himself/herself* as the local contact person. All the requirements enumerated in this section shall continue to apply.

(1) A notice \*\*\* shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, \*\*\* the local fire agency and supplied to the owners of property within \*\*\* 200 \*\*\* feet of any point on the \*\*\* residential vacation rental property. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person, and the standards for noise, parking and maximum occupancy, the phone numbers of the local Sheriff's substation and County Code Enforcement, and the Web site location for taking citizen complaints. A copy of the notice, a form certifying that the notice has been sent and a list of all parties notified shall be supplied to the Planning and Building Department at the time of application for the residential vacation rental.

The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be \*\*\* furnished to the agencies and neighboring property owners as specified in this subsection *within five days of the change*. In addition, the standards for parking, maximum occupancy and noise shall be posted prominently in the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts. Any conditions or limitations on the use of the property as a residential vacation rental imposed by the Board of Supervisors also shall be incorporated as an addendum to the contract and posted inside the rental unit.

(2) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person *within one hour of placing the first call*, the penalties as set forth in Subsection n shall apply.

**l. Transient Occupancy Tax.** Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.

**m. Effect on existing residential vacation rentals.**

(1) Each individual vacation rental in existence on \*\*\* September 10, 2003 shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section except Subsection c(1) regarding location, provided evidence that the vacation rental unit was in existence prior to April 11, 2003.

(2) Residential vacation rentals legally established prior to the effective date of these amendments ( ) shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration and all standards set forth in this Section except \*\*\* Subsection c(1) \*\*\*.

(3) If a Zoning Clearance, \*\*\* Business License or Transient Occupancy Tax registration issued

for a Residential Vacation Rental, expires pursuant to Title 23 \*\*\* or Title 6 of the County Code, a new Zoning Clearance, \*\*\* Business License and Transient Occupancy Tax registration shall be required and shall be subject to all standards set forth in this Section. \*\*\*

**n. Violation - vacation rental.** It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include *citation and fine* and revocation of the Zoning Clearance and Business License.

*(1) The Code Enforcement Unit shall accept citizen complaints alleging violation of this Section that are submitted under penalty of perjury. The Department of Planning and Building and the Code Enforcement Unit shall create a complaint form for this purpose and shall post it on the Department's Web site. Complaints may include date-stamped photographs showing house numbers, and where appropriate to the complaint, vehicle license numbers. The Code Enforcement Unit may initiate investigation based on such complaints, and may inspect the property owner's or rental agent's rental records as part of its investigation.*

*(2) (a) The Director of the Planning and Building Department may issue a citation to the owner or property manager of a residential vacation rental which may contain an order of abatement or an order to pay an administrative fine assessed by the Director where the owner, manager or vacation rental is in violation of any provision of this Section. A citation may be issued without the assessment of an administrative fine.*

*(b) The citation shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of this Section determined to have been violated. The citation shall be served on the owner of the vacation rental and on the property manager, if one is known to the Director, in conformance with Section 23.10.040.*

*1. Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.*

*2. In no event shall the administrative fine assessed by the Director exceed five hundred dollars (\$500) for each inspection or each investigation made with respect to the violation. In assessing a fine, the Director shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the owner or manager, and the history of previous violations.*

*3. A citation or fine assessment issued pursuant to a citation shall inform the owner or manager that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Director within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Section 23.10.030.*

*4. Where a citation is not contested and a fine assessment is not paid within 30 days of the date of issuance, the full amount of the assessed fine shall be added to the fee for renewal of the business license for the vacation rental. A license shall not be renewed without payment of the renewal fee and fine assessment.*

*[n(1) through n(2)(b)4 derived from California Business and Professions Code Section 125.9.]*

**(3) Violations that will cause the processing of Zoning Clearance revocation include \*\*\*:**

**(a) Failure to notify County staff when the contact person changes, within five days of the change.**

**(b) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.**

**(c) Violation of the residential vacation rental maximum occupancy, parking and noise standards**

as set forth in Subsections e, i and j.

*(d) The inability of County staff or the Sheriff to \*\*\* speak to a contact person within one hour of placing the first call.*

*Three documented violations of \*\*\* Subdivision n(3) by a County Code Enforcement Officer or Sheriff's deputy within any consecutive six month period shall be grounds for revocation of the Zoning Clearance. \*\*\**

**Section 2:** [As in September 2010 Public Review Draft.]

**Section 3:** [As in September 2010 Public Review Draft.]

**Section 4:** [As in September 2010 Public Review Draft.]

**Section 5:** [As in September 2010 Public Review Draft.]

***Jurat and Attestation:*** [As in September 2010 Public Review Draft.]

4-20



**Fw: Emailing: VR Ad Hoc**  
Paul Sittig to: John Busselle

12/06/2010 08:00 AM

Good morning John,

I received the final comments on the Vacation Rental Ordinance from the Cayucos Citizens Advisory Council this morning, and I'm passing them on to you.

Thank you, and have a good day -  
Paul Sittig  
Planner - Coastal Team

---

County of San Luis Obispo  
Department of Planning & Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408  
(805) 781-4374  
psittig@co.slo.ca.us

----- Forwarded by Paul Sittig/Planning/COSLO on 12/06/2010 07:59 AM -----

From: "Marie & Andy" <cayucans@charter.net>  
To: <psittig@co.slo.ca.us>  
Cc: <JCarsel@aol.com>  
Date: 12/04/2010 08:35 AM  
Subject: Emailing: VR Ad Hoc

---

Paul, here is the CCAC's input on the Vacation Rental Ordinance  
Marie Jaqua

The message is ready to be sent with the following file or link attachments:  
VR Ad Hoc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how



attachments are handled. VR Ad Hoc.rtf

Ad Hoc Committee on Vacation Rentals

The ad hoc committee on vacation rentals met on November 11, 2010. Present were Toni LeGras, Steve Beightler, Cindy Prange , and Marie Jaqua. MaryAnn Carnegie was absent but emailed her comments.

Our goal in reviewing the amendments to the ordinance, and the ordinance itself, was to try to determine what was best for our community at large: residents, visitors and property managers. It was felt that most, residents are not opposed to vacation rentals, only to the problems that a small minority of them cause.

Though there are many good parts of the ordinance, it does not seem to have any teeth in taking action on complaints or on finding unpermitted rentals. Without that, much of the ordinance seems unenforceable. We agreed that two major issues need to be addressed: (1) the process and responsibility for handling complaints lodged against permitted rentals needs to be defined and communicated, and (2) a process and responsibility for identifying unpermitted rentals and bringing them into compliance needs to be initiated. Those were the primary findings of the committee.

In addition, we agreed that the proposed changes in SECTION 1, b., Permit requirements, was both onerous and non-productive. We feel that this requirement will drive more prospective owners underground and lead to more unpermitted rentals. Our suggestions is to keep the section the way it is and initiate a process to identify problem rentals whereby requests for permit renewals are subject to a review of complaints, if any, against the property. If there are substantial complaints, the permit will not be renewed. We also feel that the cost of a renewal should be raised substantially to discourage those who simply hold onto a permit without ever renting their property. Permit holders who never rent their homes result in a loss of revenue to the county and are a deterrent to those who wish acquire new permits.

It was also determined that the changes in SECTION 1, c., Location, 1, using the measurement of 200 linear feet across the fronting street, should be eliminated. This new restriction would vastly decrease the allowable number of new rentals and once again discourage people from obtaining

permits, leading them to renting their property without the appropriate approvals. Simply put, the harder it is to get permitted, the more unpermitted vacation rentals we'll have and consequently more unaddressed complaints.

In summary, the committee felt that the ordinance was helpful to both the community and to property managers. Therefore, in making changes, it is critical that we don't make more rules than we can enforce. So, other than establishing clear processes and responsibilities for complaints and identification of rogue rentals, we feel that the ordinance should mostly be left as is. However, since these rogue rentals are difficult to identify, the CCAC is willing to invest some time and energy into making the community aware of the processes available to identify and report these unpermitted rentals. In conclusion, it is also felt that the ordinance needs to be reviewed and discussed again in two years, once the above mentioned processes have been implemented and communicated.

4-23

## LOCAC



Los Osos Community Advisory Council

November 17, 2010

To: Mr. John Busselle

Re Vacation Rental Ordinance

**COUNCIL  
MEMBERS  
2010-2011**

District One  
Chuck Snead

Mimi Whitney,  
Treasurer

District Two  
Linde Owen  
Steve Paige

District Three  
Fred Dellagatta,  
Vice Chair  
Paul Malykont

District Four  
Alissa Feldman  
Janice Rohn

Appointees  
Carolyn Atkinson,  
Secretary  
Vicki Milledge,  
Chairperson  
Dick Parker

LOCAC considered the proposed revisions to the Vacation Rental Ordinance at our October 28, 2010 meeting. In addition to the LOCAC discussion, there was a great deal of comment from members of the public, particularly residents of the Cabrillo Estates neighborhood. Much of the comment from members of the public related negative experiences with vacation rentals in their neighborhood. There was limited comment supporting vacation rentals in residential neighborhoods.

LOCAC discussion was similarly mixed. Members concerns ranged from the general unsuitability of vacation rentals in our residential neighborhoods to concern for upholding the property rights of individuals wishing to rent properties. We considered requesting that Los Osos be left out of the ordinance. The vote on the motion to request that Los Osos not be included in the ordinance was 5 for, 5 against, and 1 abstention.

The one area where there was agreement amongst members of the public and LOCAC members was that proper enforcement is necessary for the ordinance to protect both property owners who wish to use their property for rentals and for property owners who do not want the disturbances that frequently occur at rentals to affect their quality of life. We are all too aware that the Sheriff's Department is understaffed and that enforcement of vacation rental violations must be a lower priority much of the time.

*After further discussion, we voted 6 to 3 with 2 abstentions to recommend that Los Osos be included in the ordinance with this condition: We request that the ordinance fee structure be revised to include sufficient funding for enforcement of its provisions.*

We encourage you to incorporate Ms. Carole Maurer's comments (previously sent to you by her) in your revisions to the ordinance.

Sincerely,  
Vicki Milledge, LOCAC Chairperson

cc: LOCAC, Supervisor Gibson, Cherie Aispuro

LOCAC has an informal meeting format. Members of the public interested in providing comments on a report or an agenda item are encouraged to simply raise their hand or move to the podium. Please direct comments to the Chair and wait for the Chair to acknowledge you before commenting.

LOCAC P.O. Box 7170 Los Osos, CA 93412-7170 E-Mail: [locac@locac.us](mailto:locac@locac.us) [www.locac.us](http://www.locac.us)

- **Ordinance for all communities.** First of all, I'm in favor of a **good** vacation rental ordinance for **all** areas in the county, regardless of location, so that standards for vacation rentals are uniform throughout the unincorporated areas. There might be sections of the ordinance that should be tailored to specific communities, but overall, the ordinance should apply to all residences that can be defined as vacation rentals. Of course, this includes Los Osos.
- **Good ordinance.** A **good** ordinance is for all entities involved—the property owner, the neighbors and community, the renters, the enforcement agents, and the county that benefits from a portion of the profits through taxes. Hopefully all of the entities above are providing input to the proposals in order to make sure this ordinance protects and benefits everyone.
- **MUP and Vacation Rental Permit, not just zoning clearance.** Vacation rentals are a type of business, and as such, are not really covered by the SFR designation, at least not by the usual accepted definition of *family*. Therefore, there's something to be said for keeping some kind of minor use permit process in place for new rental applications in addition to the annual business license and a special annual vacation rental permit fee. A MUP (or something like this), instead of just a zoning clearance for the initial application, would allow for more noticing and a hearing where neighbors could express their views and opinions about the rental possibility(ies) in their neighborhood.
- **Noticing to neighbors.** There should be a notice to neighbors required when there is an application for vacation rental. If the initial application requires a MUP, this will be standard, but if there is just a permit granted, then noticing must be made part of this permit process.
- **Vacation Rental renewal.** The requirement for a MUP to continue operation of a vacation rental seems like overkill, unless there have been repeated violations of the standards during the three years. Violations might warrant another hearing (MUP process) or maybe outright denial, depending on the severity of the violations. If there haven't been violations or serious objections reported for the property, and there aren't other applications waiting, then the renewal process could result in renewing the permit for another three years; this seems like a reasonable thing to do. If there are applications for rentals in that area that have been denied because of the distance rule, then perhaps the new application could go through the hearing process (see above) and be granted the permit instead of continuing the original permit, in order to be fair to other property owners.
- **Transfer of ownership.** What happens to the permit when the property changes ownership? Maybe ownership change should end the vacation rental permit and start the application process over again, as new people will be involved.
- **Water.** In Los Osos and other water-sensitive areas, require the change from residence to vacation rental to fall under the retrofit ordinance.
- **Location.** Why not a radius of 200 feet in LO, instead of linear feet for location? Is 50ft radius or linear in Avila? Using radius would take into consideration rentals behind the property, as well as across the street. Maybe even make the location section more specific by neighborhood, if this becomes a significant issue for Los Osos (and others).
- **Tenancy.** Is there any plan to consider part-year rentals? What will happen with part-time rentals? Are any permits or licenses needed at all? Seems unfair and maybe the loophole that property owners will find in order not to pay any fees or taxes or notice the neighborhoods. There seems to be confusion about whether the residence can be occupied by the property owner or not while renters are there. Ordinance says "(with the exception of property owner and guests)". Please clarify.
- **Number of occupants.** The number of occupants allowed for the property should be included in the notice to the neighbors, as exceeding this would become a violation and could be reported.



- **Residential character of property.** The section on what constitutes maintaining the property to a standard and character consistent with the neighborhood and regulating activities that occur in the rental (noise, lights, odors, etc.) needs “beefing” up. Maybe it would be better to separate the physical appearance and character from the activities into separate sections.
- **Signs.** There are multiple reasons for signs: for renters who want to find a residence, for neighbors who need to contact someone in case of a violation, and for the occupants to know whom to call with any problems while renting. Somewhere in the ordinance, there needs to be spelled out just what signs and postings are required and where they. Would the Property Management sign on the lawn satisfy all of these?
- **Traffic.** The ordinance basically says that vehicles and traffic shall not exceed the type of vehicles or volume normally found in the neighborhood. However, the occupancy section allows for the maximum number of people per residence, based on bedrooms. The formula for number of people allowed very often might be in conflict with the number of vehicles and traffic trips per day if the normal density of residences in an area is very low (e.g., Cabrillo Estates). Somehow, these two sections need to be reconciled—maybe taking possible vehicles and trips generated into consideration when determining the number of adults (driving age) allowed for the residence. Verify number of average trips per day if that language stays in the ordinance.
- **Noise.** Is the 50 ft. requirement for audible noise too much if neighbors (often less than 10 ft away) are seriously disturbed? Maybe there’s some other way to describe the disturbance?
- **Contact person(s).** The sheriff cannot be the recipient of complaints that the contact person couldn’t be reached. There must be some other way to do this. Why not create an annual vacation rental license fee that could cover a part-time enforcement officer who would intercede before necessitating calling the sheriff for “minor” violations? This might be essential if the initial contact person for the property is the property owner him/herself. An independent contact person would also be the one to keep track of complaints on the property and how these complaints were handled. The record for the property could be used when reviewing the rental property when it comes up for renewal at the end of three years.
- **Existing vacation rentals.** Explain the significance of 9/10/03 and 4/11/03 dates for existence of vacation rentals? Unclear section on how ordinance affects existing rentals.
- **Violations.** This is the section that needs rework to make it have teeth. Violations definitely affect the renewal of the permits. Be careful that wording doesn’t have loopholes or is too strict. E.g., if the contact person changes, how soon must County staff be notified—hours, days? How quickly must the contact person be reached—immediately, minutes, hours? Is revocation of the permit (whatever kind is issued) automatic after 3 documented violations (how the ordinance reads now) or would it be grounds for review first? Who’s documenting the violations—maybe the enforcement person mentioned above would be this. Need wording on how enforcement would work. Otherwise, the entire ordinance is in question.

Submitted by Carole Maurer, October 28, 2010

4-26

**AVILA VALLEY ADVISORY COUNCIL**

**San Luis Obispo County, California**

**P.O. Box 65**

**Avila Beach, California 93424**

**[www.AvilaValley.org](http://www.AvilaValley.org)**

**Minutes, November 8, 2010**

The meeting was called to order by Vice-chair Boyd Horne in the absence of Chair Lynn Walter at 7:03 p.m.

Present were: Boyd Horne, Anne Brown, Jan Taylor, Lisa Newton, John Salisbury, Julia Hartzell, Jayne Morton, Sherri Danoff, Ken Thompson, Bob Pusanik, Ted Ivarie, Steve Johnson, Bill Tickell.

Excused: Karin Argano, Lynn Walter.

September minutes were approved as e.mailed.(The October meeting was cancelled.)

Public Comment: none

Treasurer's Report: \$490.18 (same as last report).

County Reports:

a. Sheriff: 32 calls..7 EMS, 4 incident, 1 coroner, 3 crime, and several grand theft, identity theft, and traffic. No reports from Cave Landing area.

b. Planning: Ryan Hostetter asked for action on the referral for a new security building at Diablo. This is being fast-tracked, because the NRC requires it. **Recommend to Planning that AVAC has no objection or concern about the development as proposed. Passed 13/0.** In addition, guard towers are being planned; it may be the case that development within the secure area are exempt from the permitting process. Discussion on this continues within the Department.

c. Public Works: no report.

d. Supervisor: Adam Hill reports that the "5-year pain plan" has slipped to a "7-year pain plan" regarding the budget. Anticipate a SLOW recovery of 1%. Prop 22 passed which can protect local money from State seizure.

e. CalFire: Mr. Lewin will become acting Fire Chief upon the retirement of the present Chief. A retirement party will be held at the Cayucos Vets Hall December 5<sup>th</sup>. The local fire station building has been delayed due to budget concerns. Fireworks on the pier recently went off without a hitch. Fire abatement efforts in Squire Canyon and Pismo Beach. Controlled burn on the North Ranch above Diablo..smoke will be visible on Friday. The every-3-year Fire Code Adoption plan has changes effecting our area: ALL new residences must be sprinkled. In the master plan process, our Station 62 will have advanced life-support capability. CALFIRE now has an MOU with the Diablo Fire crew for mutual assistance.

Old Business: John Busselle from Planning presented the revised Vacation Rental Ordinance Section 23.08.165. (Sent to all AVAC members by e.mail previously.) **Action: AVAC recommend approval of the Ordinance as presented.** (made by Bob Pusanik, seconded by Julia. Passed 13/0.

Community Liaisons:

a. ABA: Karin excused, but others reported that the ABA will work with Parks on the extension of the Bob Jones Bike Trail into Avila.

b. ABCA: Anne Brown reports the Annual Holiday Party/Annual Meeting Potluck on Friday, December 10, from 6 to 8 p.m. at the Center. All are welcome; bring a side dish to share.

c. ABCF: Rick Cohen reports that grant interviews are being conducted (8 projects for \$61K). Grantees will be known in December. He is suggesting a "community alerts" activity (?web page?). Developing a symposium for "Healthy Living for Seniors".

d. Port San Luis: Steve McGrath not attending, but a request from AVAC to notify AVAC members of meetings where leases are considered for action.

e. PG&E/Diablo: John Shoals reports: outage ends tomorrow; license renewal application continues; Open House at the Center from 4-6 p.m. on December 16<sup>th</sup>. All are welcome!! The auditorium is being refurbished starting December 8<sup>th</sup> with new seats/carpeting.

New Business: Ted Ivarie reminded the Council that a Nominating Committee needs to be appointed for 2011 officers, with the election in January 2011. Serving on the Committee are: Steve Johnson, Bill

Tickell, Sherri Danoff. They will report at the December meeting. Vice-Chair Boyd Horne asked each area of AVAC to confirm his/her willingness to continue service or not, to be announced at the December meeting also.

AVAC Committees:

a. Land Use: Sherri says the Traffic Circulation study is essentially completed. She moved and Boyd seconded that **a letter be sent to Ryan Chapman's supervisor Frank Honeycutt complimenting Ryan on his work on the Study and his helpfulness to AVAC on various matters.** Passed 13/0. Sherri will write the letter for Lynn's signature.

Sherri presented a draft letter to Karen Nall, Senior Planner re: the Events Ordinance. She is suggesting the addition of a parking plan *for any event of 500 or greater people shall be prepared by the applicant and submitted with the land use permit application for the event site*". Sherri moved and Steve Johnson seconded that **the letter be written recommending approval with the above addition.** Passed 13/0. Sherri will write the letter for Lynn's signature.

b. Diablo: need a chair

c. Port: Karla . No report.

d. Avila Beach: Anne Brown reports that Public Works (Ryan Chapman) has conducted a survey of residents on San Luis Parkway about making the street one-way. Awaiting results.

e. SLBE: none.

f. Avila Valley: no report.

g. See Canyon: all o.k.

h. Squire Canyon: no report.

The next meeting date is December 13, 2010.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Anne M. Brown, Secretary

## Comments on the Draft Amendments to the Vacation Rental Ordinance - 23.08.165- September 2010

From the historical context, it's worth touching upon the lengthy evolution of 23.08.165. The Randy Sabin letter of 1995 signaled a shift in sentiment by the residents and the County toward a more formal treatment of vacation rentals. TOT was instituted in 1988, but little else. The gestation of the Ordinance formally commenced with the County's response to the 1998 Grand Jury Report. Final text of the Ordinance wasn't approved by the Coastal Commission until May 2003, but it's worth noting that the version of the Ordinance approved by the Board of Supervisors in 2001 DID NOT CONTAIN ANY DENSITY STANDARDS—the 200 linear feet measure was inserted at the “suggestion” of Coastal Commission Staff, following the continuance at the Coastal Commission's first hearing of the item in 2002.

The Ordinance has been reviewed twice since and a creative change in 2005 (often termed the Bianchi interpretation) increased the density standard to include lots behind those fronting the street where the prospective vacation rental is located.

Given this history, it is interesting to preface evaluation of the 2010 amendments with consideration of how the communities of Cayucos and Cambria are different than they were 10+ years ago, as well as how the vacation rental business is different. The point being, do the proposed amendments take those changes into consideration?

Both communities are clearly more dependent on tourism for economic vitality than they were 10+ years ago. Tourism is down in 2010, so the economic climate is on the chilly side in both communities. Fewer tourist nights means less income from visitor serving businesses, less sales tax, less TOT tax, and less BID revenue. Very few motel/hotel developments are less than 10 years old in either town and it may be many years before such construction starts again. Seasonality of tourism has lessened in the past decade, but demand at peak times of the calendar still exceeds lodging capacity. The present impetus to use BID funds to leverage greater tourism assumes an ability to accommodate more visitors that may not exist. You can't successfully tempt people to visit with a caveat concerning when they might have the best chance of finding lodging.

The vacation rental business attributable to the professional management companies remains little changed from 10 years ago. Many of the same firms and people, most members of the Central Coast Management Association, are still doing a commendable job balancing the sometimes conflicting needs and wants of owners, friends of owners, visitors and residents.

What is greatly different in the past several years is the proliferation of unlicensed vacation rentals made possible by the Internet. Private parties have the ability to market, take reservations and receive rents without benefit of a vacation rental license. These rentals seldom have local supervision, lack a planned response system in the event of a problem tenancy and exhibit widely varying levels of housekeeping/service. The owners don't pay management fees, don't pay TOT tax and don't pay BID fees enabling them to present what appear to be very affordable rates. It's fine to insist you get what you pay for, but these rentals are technically operating in violation of the law. The San Luis Obispo County Planning and Building Code Enforcement division has yet to make a sincere effort to identify and address these violations. As we'll see these Draft Amendments raise the cost of entry and impose more stringent requirements for licensing. They will definitely result in more vacation rental activity in

the illegal sector unless enforcement undergoes a major adjustment.

Finally, compared to 10 years ago, many visitors have a more urgent appreciation of GHG emissions, embodied energy and carbon footprint. Vacation rentals represent visitor serving lodging that uses embodied energy already paid for. Future new construction of hotels/motels will carry a huge carbon footprint. In the meantime, the ability of each community to provide increased tourist capacity with minimal environmental impact is unnecessarily impacted by the draft amendments to Ordinance 23.08.165.

Fortunately, one thing hasn't changed over the years. People universally enjoy the coastline in a refreshingly egalitarian manner—you can't tell the millionaires from the paupers as they savor the California coastlines that belong to individuals of all economic classes.

## Analysis of the Amendments

### SECTION 1

The first two paragraphs show no changes, other than adding Avila and Los Osos to the communities subject to jurisdiction by this Section 23.08.165 of the Coastal Land Use Ordinance. The new additions get submerged in the “one size fits all” swamp surrounding communities with a long history of vacation rentals and persistent opposition. In Los Osos, the density standard, including houses across the street, fronting the street where the subject property is located will space out licenses and quickly max out prime areas. The low occupancy figures in Los Osos will make the \$4000-\$5000 MUP fee look pretty intimidating. Los Osos has only a few vacation rentals at present and may have the lowest number of hotel/motel rooms in the state for a coastal community of 15,000 people. The application of the ordinance assures that vacation rentals will not provide significant visitor serving lodging in the future. Los Osos seems destined to be a bedroom community without significant visitor serving lodging capacity.

In contrast, Avila has modest vacation rental activity already, but most units are in areas of Commercial zoning and not subject to any density standard. Residentially zoned property in Avila will be affected by the amendment that strikes the Commercial land use category from the Location section (see discussion of “c.” below). In addition to the Ordinance, the various Avila Bay Estates developments are governed by CC&Rs

#### **b. Permit requirements AND (treated together)**

#### **m. Effects on existing vacation rentals**

The proposal to employ an initial Zoning Clearance and a subsequent Minor Use Permit for licensing “new vacation rentals” seems simple at first glance, but is actually quite complex. It will not facilitate “sun setting” licenses that are not generating TOT and it may further encourage the proliferation of illegal rentals that can now readily receive exposure to a growing vacation rental market on the Internet. The amendment fails to affect existing vacation rentals, so it won't reduce the concerns of long time opponents. Nights rented per year for properties supersaturated in prime areas will show steady increase as tourism grows (ironically because of promotion paid for by BID fees). That higher level of use may increase use and complaints.

Turning to the MUP part of licensing proposal, let's look at what will become a common situation from the perspective of Buyers contemplating purchase of a house with a recently obtained “provisional”

vacation rentals license via Zoning Clearance. Now the clock is ticking on the 3 year Zoning Clearance/Business License “provisional” period. The geographical location is secured with regard to the new 200 ft density standard, but how much is that license worth? There is a future opportunity to obtain a “permanent” license, but only upon receipt of \$4000-\$5000 MUP fee and completion of the actual MUP process. That process may take a month, or much more, when the Planning Department resumes normal business levels. If an appeal is filed by either party, another 1-3 months might pass before getting on the BOS agenda. THEN, if either party isn't satisfied at the Board, a further appeal is possible to the Coastal Commission. These appeals have no cost, because the property is in the Coastal Zone. The MUP process could take a year or two, or more. The vacation rental can't to operate until the MUP is resolved. What is the status of the FORMER rental winding it's way through the MUP process in terms of the 200 foot density standard—could ANOTHER house within 200 ft apply for a Zoning Clearance and begin renting the property during the resolution of that MUP? If not, will there be a waiting list? Of course the property awaiting resolution could be rented for 31 days or more, but the loss to the owner over two years of down time could range from \$30,000 to an amount in excess of \$100,000. Would management companies want to manage a “provisional rental” along with the uncertainty of booking year four, conditioned upon a successful MUP application?

How soon can an owner apply for a MUP. Wouldn't want to wait until the last months because of the possibility of appeal. The vacation rental can continue for 3 years, but the owner will need to start the MUP process after significantly less time.

Here are several scenarios related to permitting and existing rentals not clearly addressed in the text of the proposed Ordinance.

1. Owners apply for Zoning Clearance and “provisional” license. At the end of 3 years, they decide NOT to apply for MUP and cease operating the house as a vacation rental. The property has no zoning clearance and no business license associated with it. A year later they sell. The new owners want to use the property as a vacation rental. When they apply for a license—do they get a Zoning Clearance and a provisional license or do they immediately need to apply for a MUP?
2. Slight variation would be this: what if the first owner ceased operation after two years (not three), then sold the house two years later. Would that make a difference? Is the 3 years measured continuously or is it three years of use? Can you stop the clock if you cease renting and resume it later?
3. Lets change that a bit more. Owners get provisional license and proceed to the MUP hearing. They get the permit, but neighbors appeal and that appeal is upheld by BOS. Those owners decide NOT to appeal to Coastal Commission. Property sells shortly afterward and 2 years later the new owners seek a vacation rental license. Property is still OK for density standard, etc.,. Can they apply at all? The house has no zoning clearance and no business license—can they resume the process with a zoning clearance?
4. Here's another variation. What if something about the setting changed in the intervening two years. For example, additional houses are built to buffer the prospective vacation rental, or nearby neighbors who complained at MUP and BOS hearings moved away, etc. Can the new owners apply for a license at all, or does a denial of MUP on appeal eliminate that property from being eligible regardless of a change in conditions that lead to the appeal?

These are only a few—there are others and they will come up in time. The Ordinance should include more detail treatment of specific circumstance likely to occur.

In summary, the harder it is to get a PERMANENT vacation rental license the more pressure will arise for owners to go underground without licenses. The Internet has allowed for rent by owner vacation rentals to get major exposure. This Ordinance draft has nothing in it suggesting enforcement will change. The effect will be more illegal rentals, less average supervision of rentals, less TOT and BID tax than is actually owed and less education of vacationers in how to enjoy themselves responsibly. The only people who really benefit are the owners of illegal rentals.

#### **c. Location**

The MUP process available to seek relief from those density standards has been frustrating and ineffectual, merely offering a venue for opponents among resident constituents to vent their dislike of vacation rentals regardless of where, when and how they exist. As I have argued before the Board, houses do not cause the problems attributed to vacation rentals, vacationers cause problems. Addressing the level of complaints associated with vacation rentals by regulating their density doesn't work in the real world. It's relatively easy to accomplish, but it doesn't work. It's an approach that MIGHT adjust the AVERAGE number of complaints, but averages mean little to individual residents nearby an existing rental occupied by vacationers behaving badly. What the new density standard will do is further the attrition in prime areas as homes cease to be used as vacation rentals. It will also act to further disperse vacation rentals in less than prime areas, assuming that owners of homes in those areas can somehow rationalize going through a very long and expensive licensing process when they have a readily available alternative of making greater returns through illegal rental marketed on the Internet.

The Draft lumps Office Professional and Commercial zoning categories together as triggering the density standard measure for nearby Residentially zoned property. Previously Commercial did not count. This means that in areas where Residential zoning is in close proximity to Residential, the licensing of a Commercial property for ANY visitor serving lodging activity creates a 200ft density envelope in the Residential properties. Because there is NO density standard for Commercial or Office Professional zoning categories a license can be obtained at any time. What if one is obtained during the 3 year Zoning Clearance "provisional" period of a nearby Residentially zoned property? Would the Zoning Clearance suffice to establish precedence? The Draft doesn't say.

#### **d. Vacation Rental Tenancy**

No comments on clean up language regarding occupancy and guest use.

#### **g. Signs**

The Board in 2001 opposed signs. Some firms used them anyhow. Now the pendulum has swung the other way—all the way to "SHALL". Signs still advertise the likelihood that the property is vacant during weekdays in the off season. Owner concerns regarding security are evidently secondary to the infrequent complaint. The CCMA members have a website showing all the rentals managed by CCMA member firms and a mailing is done to neighbors within 300 ft (within 200ft in the amendments).

#### **j. Noise**

Subjective measure in the Draft is more easily judged than the previous approach that required a noise meter. The fact remains that with little to no enforcement, the odds that a Sheriff is



standing at the property line to determine where the public nuisance threshold are remote.

**k. Local Contact Person**

The adjustments to the noticing are reasonable. 300 ft figure was derived from noticing for public hearings and is excessive for vacation rental purposes. The only odd thing is the mailing must be done before the application is filed creating needless expense and concern if the application process is never completed.

The posting of excerpts from the Ordinance in each vacation rental and within each rental contract is a beneficial step toward educating the vacationers concerning appropriate behavior.

**m. Effects on existing rentals (see c. Licensing for discussion of this section)**

**n. Violation- Vacation Rental**

This section details some of the infractions, but is confusing in referring to the revocation of Zoning Clearance. That's fine for existing rentals and those in the provisional Zoning Clearance 3 year period, but what if the licence is obtained through a MUP. Will the MUP be revoked? The Ordinance should include a paragraph specifically stating the possible consequences of operating a vacation rental without a license. Referring to the very generic Chapter 10 in Title 23 is not going to attract notice.

## Conclusions

The existing Ordinance functions well, despite a core group of residents who feel they have a manifest obligation to determine how people from other areas are allowed to experience the California coastline.

These amendments will have little beneficial effect on existing vacation rentals, but will significantly increase the costs and complications of permitting and licensing new rentals, thereby encouraging more owners to operate vacation rentals without a license. Unless the County makes a sincere effort to enforce license requirements, the overall effect of these amendments will be negative.

As natural attrition reduces the number of active vacation rentals in supersaturated prime areas, the role of vacation rentals in supplying visitor serving lodging will diminish over time. In the absence of new hotel/motel projects, the overall outlook for the growth of tourism in these coastal communities as a primary economic base is not at all favorable.

October 5, 2010

Richard L. Watkins  
805-235-1584  
[adroitgambit@gmail.com](mailto:adroitgambit@gmail.com)  
DRE Lic. # 00897399

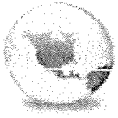
The revised Vacation Rental Ordinance SHOULD:

1. Decrease the number and severity of LEGITIMATE complaints arising from existing LICENSED vacation rentals.
2. Develop an ENFORCEMENT PROGRAM establishing a tracking process that identifies the source, location and nature of the complaint and follows through to resolution. Without such a program it's all about anecdotal accounts and political spin. In addition, the benefits of vacation rentals cannot be balanced against the economic costs of further restrictions without valid, objective data regarding complaints. How many are there? No one knows after almost 8 years!
3. Enforce the existing licensing laws. Without a proactive program to require vacation rentals to become licensed, if possible, or cease renting for 30 days or less, the illegal rental market will expand increasing complaints, decreasing the quality of stay experienced by vacationers and costing the citizens of San Luis Obispo County potential TOT and BID monies. The county's response that Code Enforcement addresses vacation rental licensing on a complaint driven basis is not acceptable. Code Enforcement takes a proactive, investigative approach to policing building permit violation, why not vacation rental licenses? Complaint driven enforcement is fine for abandoned cars, but not for licensing. It's the law and the County has a responsibility to enforce it.
4. Provide for modest increases in the number of vacation rentals in BOTH the prime and secondary areas to sustain and increase visitor serving lodging contributions. Secondary areas will never support tourism and the local economy the way vacation rentals in prime areas can. Prime areas will continue to loose vacation rentals through attrition. Hotel/Motel construction is on hold indefinitely meaning tourism is in decline in towns already.  
There is no evidence correlating complaints with density, so why sacrifice economic benefits to satisfy small, but vocal factions.
5. Create a stable licensing system that provides incentives for compliance, encourages outstanding performance and contributes to property values, both for the vacation rental and the properties nearby.

Please apply these principles to the existing Vacation Rental Ordinance, the County revision and Land Use Committee revision?

How do they perform?

Central Coast Management Association  
P.O. Box 435  
Cayucos, CA 93430



**Fwd: NCAC Vacation Rental emails/ For your information**

Joyce Renshaw to: john Busselle

Cc: Cherie Aispuro, Bob McLaughlin

11/16/2010 08:10 PM

Emails I received today mostly Real estate and Business but a few from permanent residents  
joyce

Begin forwarded message:

**From:** Joyce Renshaw <jrenshaw@me.com>

**Date:** November 16, 2010 7:41:39 PM PST

**To:** Joyce Renshaw <jrenshaw@mac.com>

**Subject: NCAC Vacation Rental emails For your information**

Dear Joyce,

I am in favor of no changes being made to the present Vacation Rental Ordinance.

Regards,

Suzanne Nelson

DRE LIC# 01210510

Dear Joyce,

I am in favor of no changes being made to the present Vacation Rental Ordinance.

Sincerely,

Donald Nelson

DRE LIC# 01519611

**From:** LELA BEAUCHENE <lb92301@sbcglobal.net>

**Subject: I am opposed to any changes to the Vacation Rental ordinance**

**Date:** November 16, 2010 4:39:09 PM PST

Ms. Renshaw,

I am a property owner and taxpayer on Lodge Hill. I happily live among legal (and illegal) rental properties. An encroachment on my property rights that would restrict future usage of my property or negatively impact my local economy is a serious issue that warrants serious consideration. I recently read of the proposed changes to the vacation rental ordinances and I have concerns I would like to share with you.

I read the Cambrian Article and have heard this theme before; a bad renter has upset a neighbor who speaks louder than the silent majority who says nothing. As I also read in the Cambrian, there were four complaints in Cambria and Cayucos. Let us not govern our community by the squeaky wheel.

Please fully consider the broader financial cost that driving the renter from Cambria entails to our property owners, restaurants and tourist attractions. Consider also the property rental business in Cambria will not go away but it may go underground. The NCAC will have little governance over individual property owners if they choose to not disclose their activities and we will have no access to the tax dollars from such gray market rentals. Most importantly, consider the implication and precedent that is set when a governing body chooses to reach into the house and dictate property usage and property rights.

Please move slowly on this issue.

Respectfully,

Lee A Chamberlain  
2770 Trenton St  
927-2910

Hello Joyce,

You are my NCAC representative and I wanted to let you know that I am opposed to the proposed changed to the vacation rental ordinance. Furthermore, I do not believe that the current ordinance provides equitable rights to property owners in Cambria. I suggest that NCAC focus its efforts on improving the current ordinance in allowing for equitable vacation rental rights, not imposing additional restrictions to what we have.

Best regards,

Paul

Paul C. Piazza, CPA/CFF, CFE, CrFA  
E-mail: [paulpiazza@yahoo.com](mailto:paulpiazza@yahoo.com)

Please forward to the council of the NCAC.

Ken and I are in support of Barbara Crowley's email forward to you regarding the vacation rental issues.

If there is one thing that can spoil your Cambria residential experience, it is living next door to a vacation rental that does not conform to the rental code.

The Vacation Rental Ordinance has served its purpose. However, certain issues need clarification and the ordnance needs to be amended. The Board of Supervisors and the Coastal Commission realized the need for regulation to ensure some control of the residential character of neighborhoods. They realized these rentals are in violation of residential zoning. I urge you to vote for the proposed revisions to help residents endure a very unjust situation.

Margol and Ken Roberts  
805 927-0841  
1880 Marlborough Lane  
Cambria, CA 93428

Dear Jeff,

I am writing to let you know that I am opposed to the changes that are being proposed to the Vacation Rental Ordinance. Currently the ordinance states that there can only be one reservation per seven day period. The new language would restrict the number of days a home can be rented even further. This will have an impact not only on the rental income for the home owner, but it will also impact the local economy as well. Cambria depends on tourist dollars and by restricting visitors from coming to our town even further means the shops and restaurants are going to make less money. So many of these businesses are struggling as it is. Cambria needs to do more to encourage tourist traffic here and more restrictions is not the way to do that.

Aside from the economic concerns I mentioned, I am also concerned with the infringement of homeowners property rights. The new language essentially would make it illegal to allow a guest of the owner from using the house free of charge without being present. That seems ridiculous that unless the owner is actually there, the house cannot be used by a friend or relative or anyone (with no rental fee). As a homeowner myself I can have all the visitors I want for any length of time and I don't have to answer to anyone. There are also numerous homes in Cambria being occupied by multiple families with several cars parked out front and that does not seem to be illegal.

Please keep in mind that some people have vacation rental property because it is the only way they can afford to have a second home that they plan on moving to when they retire. Further restrictions on making that a viable economic option will also greatly impact the already suffering real estate market in this town.

Please don't let the voices of a few disgruntled residents influence the drastic changes that are being proposed buy the new language to the ordinance. The current ordinance is being enforced by the property management companies currently doing business in Cambria. If there are better ways to handle complaints about renters and to track repeat offenders or homes that have multiple complaints against them then lets focus on better enforcement. Not more restrictions that will have a trickle down effect on the economic health of our town.

Sincerely,

Cathy Stern

Mr. Covell (Ralph, if I may),

I'm not in the habit of entering the political fray in town, since it is so uncommonly contentious. However, in this instance, I want to go on record as encouraging the members of the NCAC to go slowly and carefully in addressing the concerns dealt with in the new proposed ordinance.

Just look around this town (or others in our county, for that matter). Or, ask some of the local business people how things are for them. It isn't easy, and we've got a way to go before we see material improvement, I believe. Lack of confidence is hanging out all over the country. Therefore, I feel that it would be best to pull back from what I've heard are some pretty draconian recommendations. Simply put, our town doesn't need any more backward moves.

I employ around ninety people here in Cambria, and it is a tough task on a daily basis to keep these people on the payroll so that they might earn their livelihoods. I would appreciate the NCAC taking the working class family wage earners into their consideration when looking at any action that might reduce the tourism on which most people in Cambria depend.

Thank you for considering my input, Ralph.

Sincerely,

John Linn, owner

Linn's Fruit Bin

Ms. Renshaw,

I am a property owner and taxpayer on Lodge Hill. I happily live among legal (and illegal) rental properties. An encroachment on my property rights that would restrict future usage of my property or negatively impact my local economy is a serious issue that warrants serious consideration. I recently read of the proposed changes to the vacation rental ordinances and I have concerns I would like to share with you.

I read the Cambrian Article and have heard this theme before; a bad renter has upset a neighbor who speaks louder than the silent majority who says nothing. As I also read in the Cambrian, there were four complaints in Cambria and Cayucos. Let us not govern our community by the squeaky wheel.

Please fully consider the broader financial cost that driving the renter from Cambria entails to our property owners, restaurants and tourist attractions. Consider also the property rental business in Cambria will not go away but it may go underground. The NCAC will have little governance over individual property owners if they choose to not disclose their activities and we will have no access to the tax dollars from such gray market rentals. Most importantly, consider the implication and precedent that is set when a governing body chooses to reach into the house and dictate property usage and property rights.

Please move slowly on this issue.

Respectfully,

Lee A Chamberlain

2770 Trenton St

927-2910

Dear Jeff,

I own and manage a restaurant in Cambria known as Linn's. Our Cambria economy is based on locals but very importantly people from other areas. In marketing Cambria we need to keep in mind our vacation rental allowances. I understand that many people live in Cambria who do not exactly depend on an income anymore are concerned for their neighborhoods while not thinking of anyone but themselves. I have children who depend on my restaurant's survival and many local families are also concerned with the wealthy and retired who have more time to send such letters as mine ruling what Cambria becomes.

I would appreciate consideration for allowing vacation rentals as a whole to continue unhindered in general. Thanks for your time,

**Aaron Linn**

*General Manager*

***Linn's Restaurant***

T: (805) 927-0371

F: (805) 927-0197

From: **Mike Griffin** <mikegriffin@griffincommunications.com>

Date: Tue, Nov 16, 2010 at 5:22 PM

Subject: NCAC Meeting:

To: [ncaa UCLA@charter.net](mailto:ncaa UCLA@charter.net), Bob Kasper <[bob@breenrealty.com](mailto:bob@breenrealty.com)>

My name is Mike Griffin, I have two vacation rentals in Cambria. Like many other retired and semi retired people residing or owning property in this area, I depend upon the income from my properties in Cambria. Since 2008 I have experienced a 25% drop in revenues due to the recession. Any restrictions on my ability to earn money is unacceptable to me especially something as frivolous as seven day pauses between rental times. The people who live around my rentals are the same business who benefit from the income my rentals bring to the community.

Sincerely

The proposed changes would have a large impact on the communities of Cayucos and Cambria. The changes could drop visitors to the area by fifty percent reducing revenues to both communities. Any revenue lost in this troubling time period could be a lost to schools who rely on tax revenue of all kinds to operate. In conclusion during these tough economy this would have a very negative impact on the business community such as shops restaurants, etc. Many people prefer to rent houses because of the privacy, the feeling of a home away from home as well most houses do allow them to bring their pets.

I urge not to vote for this ordinance.

Sincerely,

Robert and Dora Hanford  
5825 Charing Ln  
Cambria CA

To: The North Coast Advisory Council (NCAC)  
Joyce Renshaw, Chairperson of the NCAC  
Neal Cohen, NCAC Representative

Dear Ms. Renshaw and Mr. Cohen,

We are owners of a successful vacation rental property in Cambria, located at 398 Lancaster Street. It has come to our attention that The North Coast Advisory Council is in the final stages of revising the Vacation Rental Ordinance in Cambria and Cayucos, which includes a proposal to make it illegal to rent houses out for a period of seven days after a tenant departs. I am writing to insist that this proposal be immediately withdrawn.

It should be quite obvious that the impact of moving forward with a decision of this nature shall have an inevitably destructive impact upon local tourism in these communities. It is difficult to understand the logic applied to this proposal.

As a property owner, it is my insistence that all renters be respectful of our home and the surrounding neighborhood. In the last two years of renting our house, I have not witnessed a single episode which would justify forcing renters out of town in this manner. In fact, I instead make it a point to suggest that renters support various local

restaurants, shops, and businesses, and I know for certain that my advise has paid off financially to the local community. Limiting time between rentals to a full week could potentially chase off 50% of our business, and with that, a significant financial bonus to the community, not to mention a reduction in tax revenues.

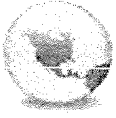
Perhaps the committee is not aware that California's economy has slowed, and that Cambria and Cayucos have numerous businesses which rely heavily upon tourism dollars. It makes absolutely no sense to further restrict rentals at a time when local business communities would benefit from more, not less, financial support.

We encourage the NCAC to apply restraint and a little common sense upon reviewing this issue in order to arrive at the logical conclusion that this is neither the time nor place for pursuing this matter.

Sincerely,

John & Charlotte Heidrick  
2308 Haggin Oaks Blvd.  
Bakersfield, CA 93311  
(661) 201-5407 anytime





**VACATION RENTAL IDEAS**

Ken and Margol Roberts to: John Busselle  
Cc: Bruce Gibson, "C. Aispuro"

11/18/2010 09:02 AM

Hello John:

Thank you for taking the time to come to Cambria and address issues concerning vacation rentals. For those of us who are full time residents and live next door to problem rentals, it is very important that the code be clear as to the following:

**I am requesting that the staff report for the proposed changes to the Vacation Rental Ordinance contain clarification of the 7 day tenancy.**

**7 days between rentals is not acceptable to our community. May I suggest that the first day of the tenancy be either Wednesday of each week or on the first day of a rental. This will allow for weekends to be booked.**

**I am also suggesting that when sheriffs respond to an incident to a vacation rental, a report be issued and a copy be filed with the county code enforcement. This was not done in my case and there should have been a violation cited for noise.**

Thank you for your time and consideration in this matter.

Margol and Ken Roberts  
1880 Marlborough Lane  
Cambria, CA 93428  
805 927-0841

October 20, 2010

**TO:** Interested Parties

**FR:** John Lamb, P.O Box 80, Cambria, CA 93428, (805) 927-4640, [jojobahh@sbcglobal.net](mailto:jojobahh@sbcglobal.net)

**RE:** Proposal for Streamlined Enforcement of Vacation Rental Ordinance

**Overview:** This memo proposes a streamlined enforcement method to supplement the Vacation Rental Ordinance's existing enforcement provisions. The proposal is based on procedures used by the California Department of Consumer Affairs, whose agencies license, regulate and discipline some 2.5 million licensees in some 200 trades and professions. These agencies accept and investigate "under penalty of perjury" complaints against licensees. They also issue citations and assess fines against licensees for violations that do not warrant more serious discipline such as suspension or revocation.

**Existing Enforcement Provisions:** The Vacation Rental Ordinance (VRO) presently relies on the enforcement scheme in Section 23.10.010 et seq., which provides two primary remedies: permit revocation and misdemeanor (or infraction) prosecution and penalties. The Code Enforcement Unit takes the position that a violation of the VRO must occur in the presence of an Enforcement Officer or Deputy Sheriff in order to be actionable.

Since most VRO violations are transitory or occur after hours or on weekends, this enforcement scheme has not been effective. Typical violations may include overcrowding, too many vehicles or parking in the street, back-to-back rentals, and inability to contact the rental agent to complain about a probable violation. These violations affect neighbors' quality of life and the residential character of the neighborhood, but are not significant enough to warrant prosecution or permit revocation.

**Proposed Enforcement Provisions:** This proposal would authorize the Code Enforcement Unit (CEU) to accept citizen complaints submitted under penalty of perjury. The complaint could include date-stamped photographs showing house numbers, and where appropriate to the complaint, vehicle license plates. When a complaint is found to be credible, the CEU could initiate an investigation based on it, including inspecting the property owner's or rental agent's rental records. This procedure is similar to that used by the Department of Consumer Affairs' regulatory agencies.

This proposal would authorize the Director of Planning and Building to issue the owner or property manager a citation when a violation is found to have occurred. The citation could contain an order of abatement and/or an administrative fine of up to \$500 per investigation. The citation would describe the violation with particularity, and the amount of the fine would be determined under criteria listed in the proposal. The citee could request a hearing to contest the violation, or could simply pay the fine without admitting the violation. If no hearing is requested and the fine is not paid, the citee would have to pay the fine in order to renew his or her business license. This scheme is derived from Business and Professions Code section 125.9, which authorizes the cite and fine procedures used by the Department of Consumer Affairs' regulatory agencies.

**Benefits of Proposal:** The proposed scheme is more flexible and streamlined than the scheme in Section 23.10.010. It would allow the small Code Enforcement staff to review and act on complaints more efficiently than at present. When a violation is found to have occurred, the proposed scheme would provide a range of remedies that are proportionate to the violation. Revocation and prosecution would remain available for major violations

**Attachments:** Copies of proposed language and a partial list of trades/professions subject to cite and fine enforcement.

**Proposed Language for Streamlined Enforcement of Vacation Rental Ordinance**

Amending either the Vacation Rental Ordinance (Section 23.08.165) or the  
Title 23 Enforcement Provisions (Section 23.10.010 et seq.)

**Section \_\_ a.** The Code Enforcement Unit shall accept citizen complaints alleging violation of Section 23.08.165 that are submitted under penalty of perjury. The Department of Planning and Building and the Code Enforcement Unit shall create a form for this purpose and shall post the form on the Department's Web site. Complaints may include date-stamped photographs showing house numbers, and where appropriate to the complaint, vehicle license numbers. The Code Enforcement Unit may initiate investigation based on such complaints, and may inspect the property owner's or rental agent's rental records as part of its investigation.

**b.(1)** The Director of the Planning and Building Department may issue a citation to the owner or property manager of a residential vacation rental which may contain an order of abatement or an order to pay an administrative fine assessed by the Director where the owner, manager or vacation rental is in violation of any provision of Section 23.08.165. A citation may be issued without the assessment of an administrative fine.

**(2)** The citation shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of Section 23.08.165 determined to have been violated. The citation shall be served on the owner of the vacation rental and on the property manager, if one is known to the Director, in conformance with Section 23.10.040.

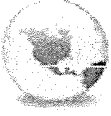
**(a)** Whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

**(b)** In no event shall the administrative fine assessed by the Director exceed five hundred dollars (\$500) for each inspection or each investigation made with respect to the violation. In assessing a fine, the Director shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the owner or manager, and the history of previous violations.

**(c)** A citation or fine assessment issued pursuant to a citation shall inform the owner or manager that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the Director within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held in conformance with Section 23.10.030.

**(d)** Where a citation is not contested and a fine is not paid within 30 days of the date of issuance, the full amount of the assessed fine shall be added to the fee for renewal of the business license for the vacation rental. A license shall not be renewed without payment of the renewal fee and fine.

[Derived from California Business and Professions Code section 125.9.]



**RE: oct 3rd agenda item**

Tom Gray to: 'joe and barb crowley'

Cc: "Joyce Renshaw", jbuselle, "Bruce Gibson, Asst. to"

09/30/2010 08:20 AM

Dear Ms. Crowley,

Thank you for taking the time to offer your input on the proposed amendments to the Vacation Rental Ordinance. The NCAC Land Use Committee will be taking your comments into account when we consider the amendments at our Monday, Oct. 4, meeting. We do plan to discuss the issue of defining the interval between rentals, since this is a point on which there has been some confusion in the past.

Best wishes,

Tom Gray

-----Original Message-----

From: joe and barb crowley [mailto:jcrowley\_1@charter.net]

Sent: Wednesday, September 29, 2010 8:27 PM

To: tsgray@sbcglobal.net

Cc: Joyce Renshaw; jbuselle@co.slo.ca.us; Bruce Gibson, Asst. to

Subject: oct 3rd agenda item

RE: Vacation Rental Ordinance changes

Dear Mr. Gray:

Thank you for taking the time to hear and consider the proposed amendments to the Vacation Rental Ordinance. I will not be able to attend the Land Use meeting on Oct. 3rd. and wish to offer my comment in writing for the committee's deliberation.

In general, the proposed changes seem to offer solutions for the problems that have been recognized by the residents and the county since the start of the Ordinance in 2003. There is one section that I feel needs rewording to include an interpretation.

RE: Section 1, d. Vacation rental tenancy.

There is no mention of how to interpret, "rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days". This is the same vague phrasing that has caused problems under the current ordinance. In the July 21, 2009 draft of changes of the Ordinance that was presented for discussion at the Board of Supervisors, county staff recommended the phrase, "until at least 7 consecutive days have passed from the start date of the original rental." But, in the proposed amendments document of September 2010 that you are considering, it has been deleted. I feel it's essential to write this into the Ordinance. This would allow rentals on every weekend, which is the norm for off-season, and would allow continuous renting for 1-week periods which is the norm for the summer. It would,

however, prevent the rapid succession of in-and-out rentals that can give our neighborhood the feel of a motel strip instead of the R-1 zoning of a residential neighborhood which we are.

In the past, rental agencies have interpreted this phrase in ways that would allow 3 different tenancies in a week. One county code enforcement officer told me that if it's not stated specifically in the Ordinance, he can't enforce anything. So, I urge you to insert a clear definition of the 7-day period into the Ordinance.

Again, I appreciate your interest and time to this matter.

Sincerely,  
Barbara Crowley, 1801 Ogden Dr., Cambria, CA



RE: new draft of ordinance  
Toni LeGras to: jbussele

09/27/2010 12:28 PM

Thank you John -

What happens Next?

We are very concerned about several of the proposed changes - especially the lack of attention to the illegally run vacation rentals, at the same time making it nearly impossible to obtain a license in the future (the 3 year/minor use change might as well state there will be no new vacation rentals allowed at all - perhaps that is the goal?- I cannot imagine that anyone would go to the trouble and expense of furnishing a home only to have the license revoked in 3 years and an additional MUP expense to look forward to.

We are seeing a dramatic increase in the offerings and availability of illegal rentals online . . . all of the Vacation Rental Companies are being affected financially and this also affects County TOT dollars.

Has the county done a financial impact study on the effects of the current ordinance and the proposed further effects on the proposed changes? Vacation rentals contribute a LARGE percentage of TOT in Cayucos - has anyone looked at those \$S.

In Cayucos for example, tourism is really the only industry here - period! How is this going to affect the people we employ? The businesses our clients frequent? What will replace the income that is definitely being lost and will be lost due to the existing and proposed ordinance?

Do you have TOT information for 2009 & 2010 showing how much TOT has been collected from vacation rentals and how much is collect for the same period for hotels.? Or if you do not have that information, where would I be able to obtain it? I am willing to do a study myself.

Toni LeGras  
Beachside Rentals  
Cayucos, CA 93430

805-995-3680  
[www.beachsiderentals.com](http://www.beachsiderentals.com)

-----Original Message-----

From: jbussele@co.slo.ca.us [mailto:jbussele@co.slo.ca.us]  
Sent: Sunday, September 19, 2010 5:54 PM  
To: Toni LeGras  
Subject: Re: new draft of ordinance

Toni:

Here it is:

(See attached file: VacRental AmendPublicReviewDraft.pdf)



Vacation Rentals  
sea21anita to: jbussele

10/20/2010 12:51 PM

Hello John,

First, I would like to say thank you for appearing tonight in Cambria to discuss this important issue to our town. I have been down with a "bug", so not sure that I can (or should) attend.

Two points I would like to make re this issue:

1. I know of quite a few homes that are registered vacation rentals; however, have not ever (or for many many years) been used in this way. Many people got the licenses to protect themselves from neighboring rentals. Some keep the licenses in order to add value and desirability to their property for resale purposes. I am sure the County does not have the man power to police this ... however, believe it would be quite simple to check each registered home against any bed taxes received. Of course, the owner can easily send funds to cover this; but, may deter a few.
2. I have no problems with vacation rentals. At one point (years ago) three of my four neighbors homes were vacation rentals. They were kept up better than most full time rentals, and if you did not care for the tenants - they were gone within a short time. Also easy to report any problems to their property managers or owners. To the contrary, full time renters seem to be able to let the house get run down, park cars on the front yard, be noisy, etc. etc.. Landlords do not necessarily equip the homes with window locks, escapable windows, etc..

I heard someone mention the idea that the vacation rentals should have a SIGN out front. I think you should consider the possibility of vandalism. It is a SIGN telling someone that it is vacant a lot, and would probably have high end electronics.

I could go on; however, know you are very busy and so will keep this short.

My best to you for a successful and informative session this evening. Look forward to your response.

Anita